



W.P(MD)No.14058 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14058 of 2023

I.Arockia Paulraj

... Petitioner

Vs.

1.The Managing Director,
Tamil Nade State Transport Corporation Ltd.,
Madurai Division, Bye Pass Road,
Madurai – 625 016.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division, Bye Pass Road,
Madurai – 625 016.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the terminal benefits payable to the petitioner such as difference in Gratuity and Unavailed Leave salary amount of Rs. 2,03,245/- together with interest at the rate of 6% p.a. from 01.04.2018 to till date of payment, in terms of G.O.(Ms).No.134 Transport (D) Department dated 09.04.2018 within the time frame that may be stipulated by this Court.

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W.P(MD)No.14058 of 2023

WEB COPY

For Petitioner : Mr.A.K.Thangavelu

For Respondents : Mr.S.Raja,
Standing Counsel.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is a retired employee of the respondent corporation. After the writ petitioner retired from service, wage settlement under Section 12(3) of the Industrial Dispute Act was entered between the unions on the one hand and the management on the other. The settlement dated 04.01.2018 came into effect on 01.09.2016. The question that arises for consideration is whether the writ petitioner can claim the benefit under the said wage settlement. The Government issued G.O.(Ms)No.142 Transport (E) Department, dated 26.08.2019 holding that the actual monetary benefits will be payable only from the date of government order. The learned standing counsel for the respondents contended that it is open to the management to fix the cut off date for disbursement of monetary benefits and it cannot be held to be



W.P(MD)No.14058 of 2023

arbitrary. In this regard, he relied on the decision reported in **AIR 2008**

SC 1721 (Government of Andhra Pradesh Vs. N.Subbarayudu).

3.The issue raised in this writ petition is no longer *res integra*. A learned Judge of this Court vide order dated 02.03.2023 made in W.P.(MD)Nos.1147 of 2020 etc batch had held that a government order cannot over-ride the statutory rules and the government order cannot deny the benefits conferred on the retired employees under the wage settlement. The factual matrix obtaining in these cases is absolutely similar.

4.Respectfully following the aforesaid decision, I direct the respondents to settle the difference in gratuity, encashment of leave salary, arrears of salary and arrears of pension in terms of the wage settlement dated 04.01.2018. The amounts payable to the writ petitioner shall be quantified appropriately and disbursed within a period of eight weeks from the date of receipt of a copy of this order.



W.P(MD)No.14058 of 2023

G.R.SWAMINATHAN, J.

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5.This writ petition is allowed accordingly. No costs.

30.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.14058 of 2023

30.06.2023